

## Accomplishments Shared by the EBDM Sites March, 2017

### State Team Accomplishments

#### **Indiana State EBDM Team**

##### *Statewide Collaboration, Policy making and Funding (MOU Attached)*

- The Indiana Evidence Based Decision Making Policy Team (state team) has partnered with the Justice Reinvestment Advisory Council to guide Indiana's legislative, policy and funding decisions surrounding the use of research to inform criminal justice decision making. The Justice Reinvestment Advisory Council (JRAC) was established in 2015 to develop incarceration alternatives and recidivism reduction programs at the county level by promoting the development of: probation services; problem solving courts; mental health and substance abuse treatment; programs providing for court supervision, probation, or pretrial diversion; community corrections; evidence based recidivism reduction programs for currently incarcerated persons; and other alternatives to incarceration. The Council also oversees the distribution of criminal justice and substance abuse treatment funds appropriated by the Indiana General Assembly in connection with Indiana's criminal code revision efforts (FY 2016-2017 appropriation was \$55M). The state team signed an MOU with JRAC in 2016 to document the partnership.

##### *Pretrial Release (CR 26 & Expectations Document Attached)*

- The Indiana Evidence Based Decision Making Policy Team has partnered with 10 local sites to develop and implement a pretrial release pilot project. The state team, in collaboration with the local teams, has developed a set of expectation and guidelines for the pilot to implement with assistance from their local technical assistance providers. In September 2016, the Indiana Supreme Court adopted Criminal Rule 26 – Pretrial Release to encourage courts to use risk assessments to inform pretrial release decisions, which includes a rule of evidence to protect statement made in connection with the pretrial risk assessment. The Indiana Department of Correction and the Indiana Supreme Court awarded over \$1M in funding to support the pretrial release pilot projects in their first year of operation.

#### **Virginia EBDM State Team**

##### *Probation Violations*

- As a result of the planning activities in Phase V, the Virginia Department of Corrections was successful with securing a Smart Probation Grant from the Bureau of Justice Assistance to pilot the Administrative Response Matrix in 9 probation districts, representing rural, urban and suburban sites. The planning process is underway and implementation will begin in the Fall of 2017. The pilot will result in an evaluation study through the Virginia Department of Criminal Justice Services.
- The violations work group is planning to pilot the ARM with other local probation agencies.

##### *Assessments*

- Phase V provided an opportunity to focus planning activities to the magistrate bail decision. Virginia provides pretrial risk assessments at the first court appearance, but nothing is

provided to assist magistrates with the initial bail hearing. As a result, the Office of the Executive Secretary has agreed to explore strategies to fill this gap. Planning activities are under way. One option would include a pilot program that would use the Virginia Pretrial Risk Assessment completed by pretrial services staff at the magistrate hearing. Another is to develop a risk assessment that would not require a defendant interview that a magistrate could use. This topic is one where we are collaborating with all 7 EBDM sites in Virginia.

- Virginia is sending a team of 5 to attend the CCJ/COSCA Mid-Atlantic Region Pretrial Justice Reform Summit May 10-12, 2017. The team will include Chief Justice Lemons, Karl Hade (Executive Secretary), Mason Byrd (Director of Magistrate Services), a local Circuit Court Judge, and Ken Rose (DCJS).
- Published the Key Components of a Pretrial Justice System in the Commonwealth of Virginia: Risk Informed Pretrial Decision Making.
- Virginia Pretrial Summit scheduled for May 24, 2017.

### **Wisconsin State EBDM Team**

#### *Wisconsin State EBDM Team System Mapping Narrative Report (Report Attached)*

- This report represents the planning work of Wisconsin's State Policy Team during Phase V of the Evidence-Based Decision Making (EBDM) Initiative. This report is a compilation of the State Policy Team's discussions as it completed mapping the state's criminal justice system. These discussions represented the State Policy Team's Vision Statement and Values, and were centered on the four EBDM Principles and Decision Points. The Mapping Narrative was key to the State Policy Team's development of change targets, and continues to be used as a guiding document as we move forward with implementation.

#### *Wisconsin EBDM Pretrial Pilot Protocol (Protocol Attached)*

- One of the goals identified by Wisconsin's state and local EBDM teams through EBDM's Phase V strategic planning efforts was to develop evidence-based pretrial release and supervision decisions and processes that continued to emphasize the importance of public safety. In order to advance this goal, Wisconsin's teams are partnering in the development of local pretrial pilot programs. The focus of these programs is to explore moving from a charge- and money-based system of release and detention to a risk-informed system, using less or no money when that money interferes with or undermines the lawful purposes of pretrial release and detention or public safety. The purpose of this Pretrial Pilot Protocol is to provide consistent, evidence-based policies and procedures for use by the local pretrial pilot sites in their program development.

#### *Framework for Measuring and Defining Recidivism (Document Attached)*

- The State CJCC and State EBDM Policy Team have worked to establish a framework for defining and measuring recidivism, to develop consistency in how recidivism is calculated across the state and to create a roadmap for what to consider and what to include when measuring recidivism. Approval of this Framework marks a key step in the state's ability to consistently measure and report on the effectiveness of both state and local criminal justice programs in Wisconsin.

#### *EBDM Adult Criminal Justice Key Definitions (Document Attached)*

- The State EBDM Policy Team has worked to develop definitions of key terms for the adult criminal justice system, to promote consistency in discussions and data collection both within the State Team, and between the State Team and Wisconsin's local EBDM teams.

## Indiana Local Team Accomplishments

### **Bartholomew County, Indiana**

#### *Pre-Trial Pilot*

- Developed and implemented a process to revamp local pretrial system
- Received funding to hire two (2) pretrial officers
- Selected assessment tools that evaluate whether an arrestee is likely to commit a new crime during the pretrial period and to maximize the likelihood that arrestees attend all court appearances, and developed local release matrix
- A goal of the EBDM team is to prevent social-economic status from dictating incarceration decisions
- Data collection - tracking from a baseline forward, identifying certain trends to help us gauge the impact on public safety, i.e. recidivism and failure to appear

#### *Educating the policy team, stakeholders and the community about EBP and EBDM.*

- Developed communications work group to organize press releases and public statements around initiatives- we have had several positive stories covered by local media that were embraced by the community and have led to the overall community acceptance of EBDM
- Conducted Evidence-Based Knowledge Survey with select stakeholders (Court staff/Public Defenders/Prosecutors/Law Enforcement/Probation/Community Corrections)
- Three (3) representatives of the policy team attended the NIC Pretrial Executive Orientation
- Provided Intro To EBDM Initiative/Pretrial to local bar association (30+ attorneys in attendance)
- Future plans to meet with stakeholder groups and community to provide education on local EBDM initiatives

### **Hamilton County IN**

- Implemented a county-wide Lethality Assessment Program
- Implemented an ongoing pilot Pretrial Release Program
  - In the past six months we have assessed/interviewed (IRAS-PAT) 1195 individuals
  - Of those assessed, 1188 were in the low to moderate range
  - Of those in the low to moderate range, 1052 were ROR with Reminder and/or Basic Supervision
  - Court date reminder system (email/text/phone) has rendered FTA negligible
  - Recently hired a full-time Director of Pretrial Services
  - In the process of hiring three full-time Assessor/Screeners
- Initiated a county-wide comprehensive review of criminal and civil mental health/substance abuse issues and commitments
  - Have applied for a SAMHSA Sequential Intercept Mapping (SIM)

### **Hendricks County, IN**

- Our local policy team recently selected a supplemental risk assessment tool to the IRAS-PAT
- In addition, our local policy team has developed a tentative organizational chart for our future pretrial services "unit." We are still targeting a July 1, 2017 launch date.

## **Jefferson County, IN**

- The participation of the pretrial committee has been really amazing – all stakeholders are coming to the table and are giving valuable input into the pretrial processes
- Gathering our baseline data for the pretrial project was a big accomplishment. We now have measures to compare our future failure to appear rate and the rate of re-offense for those who are out on bond. We will continue to gather baseline measures for other areas in the project. The Success rate (those who made every court appearances and did not get re-arrested for a new crime) for pretrial defendants was 63%; The Failure to Appear rate is 14% and the new offense rate is 16%.
- Receiving funding to enable us to hire 2 part-time public defenders, a part-time prosecutor that are all dedicated to pretrial services to be present at initial hearings along with hiring the Pretrial Coordinator and pretrial case manager. We also received funding for an EBDM Data Specialist who will now be able to gather and collect data for our EBDM projects (and she is fabulous by the way!)

## **Porter County, IN**

### *Data*

- Collected local data regarding pretrial for 2016
- Identified data needs and performance measures
- Collecting data during our local pretrial pilot which includes information related to the three local pilot courts and the three non-pilot local courts
- Compiling pretrial data reports for each policy team and workgroup meeting
- Data is part of every meeting and will be used to guide pilot revisions

### *Pretrial*

- Pretrial Pilot began March 1st!
- Policy team meeting monthly, workgroup meeting weekly, and pretrial pilot departments communicating daily
- In the first four days of the pilot, 5 have been released following the pretrial assessment. The pilot courts used the assessment results and release matrix in each of these cases. Several of the individuals' bonds were reduced.
- Data being collected on our local pilot and non-pilot courts

### *Mental Health*

- Hosted a positive, productive meeting with representatives of several residential programs that serve mentally ill populations. This meeting provided the means necessary to begin developing more effective ways of managing problematic situations involving mentally ill persons residing at these facilities (avoiding arrest which is frequently the result when law enforcement is called to the residential programs).
- As a precursor to beginning the CIT training, all local law enforcement agencies are participating in the eight-hour mental health first aid training. In January, 100% of all Porter County Sheriff officers completed the training. Other departments are currently participating.

### *Collaboration*

- Departments are collaborating on funding and sharing resources (training, staff, physical space, and equipment)
- Collaboration on data development
- Increasing efficiency
  - Increased use of technology
  - Ensuring frequent contact and updates occur within the pilot and non-pilot courts, and other stakeholders impacted by the pretrial pilot
- Increased level of attendance and participation at policy team meetings
- All departments (Judges, Jail, Prosecutor, Public Defender, Probation and Community Corrections) working together
- Increased openness to learn and implement effective practices
- Increased trust among participating departments

## Wisconsin Local Team Accomplishments

### **Chippewa County, WI**

#### *Wisconsin Counties Association Presentation with the State of Wisconsin*

- Conducted a presentation for the Wisconsin Counties Association, “Enhanced State and Local Collaboration and Evidence-Based Decision Making in Wisconsin’s Criminal Justice System”. . The initiatives highlighted included:
  - Expansion of state and local criminal justice coordinating councils (CJCCs);
  - Expansion of the state Treatment Alternatives and Diversion (TAD) program; and
  - State and local participation in the National Institute of Corrections’ Evidence-Based Decision Making (EBDM) Initiative.

The webinar discussed these initiatives and their impact from both a state and local perspective.

<https://wicounties.adobeconnect.com/p79of596gy8/>

#### *Proxy at Law Enforcement & Diversion Program*

- Rolled out the Proxy Tool to all Law Enforcement Jurisdictions to use at point of arrest and successfully implemented a First Time Offender Program. Although initiation of this began prior to Phase V, participation in this initiative strengthened the purpose and evidence behind this.

First Time Offender Referrals (Diversion)		Average Days in Program	Average Proxy Score	Success Rate- 6 Months Post Completion	Success Rate 1 year Post Completion (no new charges)
2015	63	100	3	.89	.85
2016	133	99	3	.92	.83

#### *High Volume Data Collection*

- Began tracking book and release and held in custody bonds by charge/reason, arresting agency, type of bond (signature, cash), whether there are pre-trial conditions, drugs involved in activity, Meth related, and judicial branch. This will assist the high volume workgroup in meeting their change target.
- Data from September through December 2016 indicates there were a total of 379 individuals either booked and released or held in custody. 249 of these were held in jail for a bond hearing, while 130 were booked in and then released with an IA date. Out of the known cases involving drugs or alcohol, 46% were drug or alcohol related. This is a beginning process and will assist us in making decisions related to our change target areas and pretrial goal.

#### *Jail Study (Report Attached)*

- Dr. Wolfram interviewed a random sample of 40 men and 10 women over a five day period in the Chippewa County Jail. Purpose of interview was to help determine motivation related to attending programming in the jail, along with capturing data related to substance abuse, past mental health and substance abuse treatment, trauma, and age of first use of substances and first arrest. This was a step in our Jail Programming Change Target area. This provides valuable information in the jail

programming change target area, and will help guide some policy and procedural decisions within the jail.

#### *Meth Town Hall Meetings*

- The Drug Endangered Children's Taskforce, in partnership with CJCC members, and other stakeholders have held three town hall meetings throughout the county to focus on an epidemic we are facing in this region and create community forums for conversation, education, and involvement. During these presentations, the EBDM Initiative is highlighted and an overview presented as to what we are doing that is working.
- Since involved in the EBDM Initiative our CJCC is looking differently at this area. The team is researching models throughout the country that are working and discussing ways to implement in Chippewa County what has or is working elsewhere. We are looking at community involvement and participation as a priority.  
<http://www.weau.com/content/news/Meth-Town-Hall-addresses-drug-use-in-Chippewa-County-415634013.html>

#### **Marathon County, WI**

- The County secured long term funding from a local foundation to support ongoing CIP and CIT training for law enforcement, corrections staff, EMT's and dispatchers. We also have trained facilitators in place. The Wausau Police Department has hired a mental health professional on staff and our Sheriff's department has submitted position requests for a Behavior Health Unit.
- Developed a Retained County Authority Board to give more control of funding and oversight back to our County Board in preparation for restructuring of our Human Services Department and programs.
- Completed a pretrial pilot using the Kentucky and Colorado tool in the fall of 2016. *(Note: This effort was conducted prior to the state's completion of the Pretrial Pilot Protocol and decision to adopt the PSA Tool.)*

#### **Outagamie County, WI**

- Stakeholder agreement and support for the development of a robust pretrial system resulting in successful implementation of a pretrial risk pilot project and tax levy funding for hiring pretrial staff
- Stake holder agreement and support to reserve one day per month without any criminal court hearings scheduled to allow for prosecutors and defense counsel to meet and work on case resolution

#### **Rock County, WI**

##### *Behavioral Health Awareness Flag and Crisis Strategy Information Forms*

- The overall purpose of effective behavioral health information sharing is to ensure better outcomes for those with mental health needs that come in contact with the justice system.
- Two main goals: Implementation of Behavioral Health Awareness "Flag" & Implementation of Crisis Strategy Information (CSI) Forms.
- A system for flagging individuals in the Spillman system will be used to help law enforcement identify individuals with a known mental health history to assist them in engaging with the individual.

- A CSI for some identified mentally ill individuals will be available outlining specific strategies to employ with said individuals to obtain more successful outcomes and possibly divert them to more appropriate interventions than the criminal justice system.
- Here is a news story done on Tuesday about the project: <http://www.nbc15.com/content/news/Mental-health-flagging-system-goes-live-in-Janesville-415739813.html>

#### *EBDM Kickoff Event with Mark Carey*

- Occurred August 2016
- First time, day long, multi-agency, cross-disciplinary training which drew about 200 people to learn about EBDM and the specific Rock County change targets

### **Waukesha County, WI**

#### *Public Defender Screening Pilot*

- Through a review of current data, the Case Processing Workgroup discovered that there was significant delay in the processing of cases at the front end of the system due to cases being adjourned for an average of 27 days in order for defendants to secure representation. Waukesha County began a pilot project in April 2016 in an effort to increase representation of out-of-custody defendants at their initial court appearances to reduce unnecessary delay in the processing of cases. Through this pilot project, information about obtaining an attorney (either through the private bar or through the Office of the State Public Defender) is included with all summonses when they are mailed to defendants by the District Attorney's Office. In addition, the court commissioner makes an announcement at the beginning of each morning intake court session, instructing those defendants who have appeared without an attorney (and who think they may qualify for a public defender) to immediately go to the Public Defender's Office, which is within walking distance from the courthouse, to be screened for eligibility, and then to return immediately (same day) to the courthouse to have their case called.
- From April 2016 – January 2017, the following data on the pilot project has been collected:
 

# of defendants scheduled for intake court	1,631
# of defendants appearing without an attorney	1,075 (66%)
# of defendants sent to the Public Defender's Office for screening	220
# of defendants who qualified for & obtained a public defender	142 (65%)
Average # of case processing days saved	3,834
- Since the pilot project began, data has reflected that the number of defendants showing up to their initial appearances without representation has declined, which the group attributes to the attorney information letter being mailed with the summonses. In addition, this pilot project has now become the new permanent protocol utilized by Waukesha County in order to minimize unnecessary case processing delay due to lack of representation at the front end of the justice system.

#### *Pretrial Conferencing Pilot*

- Waukesha County currently does not utilize a formal system of pretrial conferencing. Cases are typically set for trial months out on a Tuesday, and then a majority settle on the Thursday before the trial is scheduled to begin, which is a tremendous waste of resources for many stakeholders (i.e. scheduling jurors, calling witnesses, preparing cases, etc.), as well as causing harm to victims and defendants as cases drag out over extended periods of time with slow



resolution. The Case Processing Workgroup developed a second pilot project to implement monthly pretrial conferencing in one of our criminal branches for select cases, agreed upon by the workgroup. The pilot project was implemented in December 2016 in order to set fewer cases for trial (therefore saving resources), and to shorten the time of a case to reach disposition.

- From December 2016 – February 2017, the following data on the pilot project has been collected:

# of cases set for pretrial conferencing	107
# of cases disposed of at pretrial conferencing	57 (53%)
- The workgroup intends to continue to collect data on this pilot project, including the average age of a case without pretrial conferencing vs. with successful pretrial conferencing. Once data is collected over a longer period of time, the workgroup plans to present our findings to the other 4 criminal division judges in an effort to expand pretrial conferencing to all branches in the criminal division.

## Virginia Local Team Accomplishments

### **Norfolk, VA**

#### *Mental Health*

- Through the efforts of our team, Norfolk is the first, and only, locality in Virginia to have Norfolk City Jail medical staff members perform medical screenings on mentally-ill inmates who are transported to Eastern and Central State Hospitals. The procedure for other Virginia jails is to transport mentally-ill inmates to the nearest emergency room prior to transport to a mental health facility/ hospital.
- The collaboration between Norfolk City Jail's medical staff, Sentara Norfolk General Hospital and the Norfolk Community Services Board (NCSB) in identifying all mentally-ill persons entering the jail. This process accelerates medical reviews and facilitates treatment, to include safe prescribing of inmates' medication(s) and discharge planning.
- A Memorandum of Agreement (MOA) between the Norfolk City Jail and Sentara Norfolk General Hospital allowing the sharing of information relating to mental and medical refusals for new jail admits.

#### *Fines and Costs*

- The Norfolk EBDM Policy Team's current efforts to:
  - Reduce the number of Norfolk residents with suspended driver's licenses; and,
  - Lessen the financial hardship associated with a suspended driver's license due to the Virginia practice of suspending driver's licenses due to financial liability.
- In response, the Norfolk Commonwealth's Attorney's Office established a Circuit Court suspended driver's license program.

### **Petersburg, VA**

- Established a Meaningful First Appearance with prosecution, defense, the pretrial officer and VPRAI/court report present at the arraignment hearing. This required some docket modification, and commitment from all, but has been in place for over a year now. The presence of all parties at the initial hearing is a major accomplishment, and more challenging where public defense counsel is not an option or widely used. Very few localities in Virginia have obtained a meaningful first appearance.

### **Prince William/Manassas/Manassas Park, VA**

- Reduction of jail population by approximately 10%. Resulted in re-allocation of resources from jail for pretrial services, two pretrial officer positions received from the county.
- Development and implementation of Re-entry dorm at jail providing reentry programming and discharge planning.
- Improved process for bond hearings by providing a three day review when defendant has not been released at the first appearance. Also, providing a three day review when defendant has not hired an attorney to determine if court appointed attorney should be assigned.
- Less reliance on secure bonds at pretrial release and improved adherence with Pretrial release recommendations by the judiciary.
- Increased use of pretrial services by the magistrates.

- Mental health diversion to mental health docket by screening and assessing defendants for serious mental illness and diverting the same day as original arraignment in many instances.